

CHAPTER 42

HUMAN HEALTH HAZARDS

42.01 AUTHORITY.

This Ordinance is adopted pursuant to the authority granted by Wis. Stat. Ch. 251 and 254.

42.02 GENERAL PROVISIONS.

- (A) Title. This Ordinance shall be referred to as the “St. Croix County Human Health Hazards Ordinance.”
- (B) Appointment. The St. Croix County Health Officer shall be appointed by the St. Croix County Health and Human Services Board and approved by the St. Croix County Board of Supervisors.
- (C) Administration. This Ordinance shall be administered by the Health Officer. The Health Officer shall have the power to ensure compliance with the intent and purpose of this Ordinance by any means possible under the law.
- (D) Interpretation. The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of St. Croix County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

42.03 DEFINITIONS.

The following definitions apply throughout the entire ordinance.

- (A) **County** means “St. Croix County, Wisconsin.”
- (B) **Dwelling** or **Dwelling Unit** means “a structure, all or part of which is designed or used for human habitation.”
- (C) **Groundwater** means “all water found beneath the surface of St. Croix County located in sand, gravel, limerock, of sandstone geological formations or any combination of these formations.”
- (D) **Human Health Hazard** means “a substance, activity, or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise to injuriously affect the health of the public.”
- (E) **Health Officer** means “the legally appointed Health Officer of St. Croix County or an authorized agent of such Health Officer.” Health Officer also means “the position of a local health officer in a single county health department” as defined in Wis. Stat. § 251.01(3).

- (F) **Immediate Health Hazard** means “a condition or activity which could cause serious or life-threatening injury or death at any time, determined by the Health Officer, which shall be abated or corrected immediately, or at least within a period of time as determined by the Health Officer to prevent possible severe damage to human health and/or the environment.”
- (G) **Owner** means “(1) A person who has legal title to a dwelling; and (2) A person who has charge, care, or control of a dwelling or unit of a dwelling as an agent of or as personal representative, trustee, or guardian of the estate of a person under par. (1).”
- (H) **Ordinance** means “the St. Croix County Human Health Hazard Ordinance.”
- (I) **Person** means “any individual, firm, corporation, society, institution, public body or any other entity.”
- (J) **Pollution** means “the contamination or rendering unclean or impure the air, land or waters of St. Croix County, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life as defined in Wis. Stat. § 299.01(4).”
- (K) **Public** means (1) “affecting or having the potential to affect the people and/or the environment outside the limits of ones personally owned and personally occupied structure;” and (2) “all persons outside of one personally owned and personally occupied structure.”
- (L) **Solid Waste** means “garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities, but does not include solids or dissolved materials in waste water effluent or other common water pollutants.”
- (M) **Stagnant Water** means “brackish and foul water from standing still.”
- (N) **Stagnant Water Receptacle** means “tires, abandoned pails, and other discarded materials which can collect and hold water in which mosquitoes, flies, or other disease-carrying insects can breed.” This includes rimmed and un-rimmed tires and swimming pools not maintained with disinfectant.
- (O) **State** means “the State of Wisconsin.”
- (P) **Structure or Building** means “a building or structure having walls and a roof erected or set upon an individual foundation or slab constructed base designed or used for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.” This definition includes mobile homes in manufactured home parks.

- (Q) **Toxic and Hazardous Materials** means “any chemical and/or biological material that is or has the potential to create a human health hazard.”

42.04 PURPOSE AND INTENT.

- (A) General Provisions. The purpose and intent of this Ordinance is to protect the public health, safety, and general welfare and to maintain and protect the environment for the people and communities of St. Croix County and to:
- (1) Prevent communicable diseases.
 - (2) To prevent the continuance of human health hazards.
 - (3) Assure that citizens are protected from hazards, unhealthy, or unsafe substances.
 - (4) Assure air quality standards are complied with according to local, state, and federal air quality standards.
 - (5) Assure that insects and rodents do not create a human or other health hazard.
 - (6) Assure solid waste is handled, stored, and disposed of according to local, state, and federal standards and regulations.
 - (7) Provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

42.05 JURISDICTION.

The jurisdiction of this Ordinance shall include all air, land and water, (both surface and ground) within St. Croix County, but shall not apply within the corporate limits of municipalities that have a full time health department as defined in Wis. Stat. § 251.02.

42.06 COMPLIANCE.

- (A) Responsibility of Property Owner and/or Occupant. It shall be the responsibility of the property owner to maintain property in a hazard-free manner and to be responsible for the abatement and/or correction of any human health hazard, immediate health hazard, or pest infestation that has been determined to exist on his or her property. In the event that the property is occupied by a tenant who fails or refuses to abate or correct a human or immediate health hazard for which the tenant is responsible, the responsibility for abatement and/or correction will be that of the property owner.
- (B) Written Orders. Compliance with this Ordinance shall include compliance to written orders issued under this Ordinance or Wisconsin Statutes by the St. Croix County

Health Officer to abate and/or correct a human health hazard to bring any other situation or condition in non-compliance with this Ordinance into compliance.

- (C) Non-compliance. Non-compliance with the Ordinance and/or with a written order from the Health Officer shall be cause for enforcement action under Section 42.12 of this Ordinance.

42.07 ADMINISTRATION.

- (A) General Provisions. The Public Health Ordinance shall be interpreted, administered and enforced by the St. Croix County Health Officer.
- (B) Powers. The Health Officer shall have all powers necessary to enforce the provisions of this Ordinance without limitation by reasoning of enumeration including the following.
 - (1) To enter any structure or premise at a reasonable time for the purpose of performing duties under this Ordinance and to secure court orders to accomplish this purpose if necessary.
 - (2) To order abatement and/or correction of any human health hazard in compliance with this Ordinance or Wisconsin Statutes.
 - (3) To delegate the responsibilities of administration and enforcement of this Ordinance to a registered environmental health sanitarian or other person qualified in the field of public health.
 - (4) Any other action authorized under law or this Ordinance to insure compliance with the purpose and intent of this Ordinance and the requirements of the Ordinance.

42.08 HUMAN HEALTH HAZARD.

- (A) Human Health Hazard Prohibited. No person shall erect, construe, cause, continue, maintain or permit any human health hazard within the County. Any person who shall cause, create or maintain a human health hazard or who shall in any way aid or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this Ordinance, and shall be liable for all cost and expenses attendant upon the removal and correction of such a human health hazard, and be subject to the penalty provided in Section 42.12.
- (B) Responsibility of Property Owner. It shall be the responsibility of the property owner to maintain such owner's property in a manner that is free from human health hazards and also to be responsible for the abatement and/or correction of any human health hazard that has been determined to exist on their property.

- (C) Human Health Hazard Enumerated. Specifically, but not limited by enumeration, the following are human health hazards if determined to meet the definition of Human Health Hazard as defined in Section 42.03:
- (1) Unburied Carcasses – Carcasses of animals, birds, or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within the time period specified by the Health Officer or as required under Wis. Stat. § 95.50.
 - (2) Animal Waste – Accumulation of the bodily waste from all domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a human health hazard. This provision shall not apply to animal waste stored and spread in the normal course of farming operations.
 - (3) Air Pollution – The presence in the air of one or more contaminants in such quantities and of such duration as is or tends to be injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
 - (4) Noxious Odors – Any negligent use of property, substances or things within the County emitting or causing any foul, offensive, noisome, noxious, or disagreeable odors, or stench extremely repulsive to the physical senses of ordinary persons or as a whole. This provision shall include outdoor wood-fired water boilers. This provision shall not apply to animal waste stored and spread in the normal course of farming operations.
 - (5) Food or Breeding Places for Vermin, Insects, etc. – Accumulation of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber, bedding, packing material, scrap metal, solid waste, abandoned structures, animal and human fecal matter, or any substance or condition in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed, live, nest or seek shelter, including stagnant water and/or solid waste.
 - (6) Toxic or Hazardous Material – Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that it is, or has, the potential to create a pollution risk or a human health hazard.
 - (7) Waste Water – The presence of waste water or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body caused by a damaged malfunctioning, improperly constructed, or inadequately maintained private sewage system, or private sewage lateral. Also, any waste water or sewage effluent that is not handled and disposed of in compliance with all applicable County and State codes.

- (8) Surface Water Pollution – The pollution of any stream, lake, or other body of surface water within the County that creates noncompliance with Wisconsin Administrative Code Ch. NR 102 and NR 103.
- (9) Groundwater Pollution – Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to, the chemical and/or biological substances listed in Wisconsin Administrative Code Ch. NR 140.
- (10) Water Supply – Any private or public well producing a chemically or bacteriologically unsafe water.
- (11) Holes or Openings – Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, foundation, mine shaft, or tunnel and any other improperly abandoned or covered up excavation for which no appropriate precautions (i.e. posting and fencing) to prevent entry have been taken.
- (12) Inoperable Vehicles and Vehicle Parts – Outdoor storage of abandoned, unlicensed, or inoperable vehicles or outdoor storage of motor vehicles parts, except for those properties that have permits to operate a junkyard or salvage yard or are commercial sellers of vehicles and/or vehicle parts.
- (13) Abandoned Refrigerators and Other Air-Tight Containers – Any abandoned, unattended or discharged icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside of said container and which is in a place that is accessible to children regardless of the location of said container.
- (14) Nonfunctional or Unsanitary Public Building Fixtures – Nonfunctioning water supply systems, toilets, urinals, lavatories or other fixtures considered necessary to ensure a sanitary condition in a public building, including any public restroom which is soiled by human or other waste, or maintained in a filthy condition or lacking soap and single-use hand towels.
- (15) Unhealthy or Unsanitary Condition – Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, and unfit for human habitation, occupancy, or use, or renders any property unsanitary or unhealthy.
- (16) Unsafe Structure – A structure which is so damaged, decayed, dilapidated, structurally unsafe, or of faulty construction or unstable foundation, that partial or complete collapse is possible and for which no appropriate precautions (i.e. posting, fencing, or closure of entryways) to prevent admittance have been taken.

- (17) Other – Any other situation determined to meet the definition of a Human Health Hazard as per Section 42.03 of this ordinance.
- (D) Investigation of Possible Human Health Hazard. The Health Officer shall investigate all potential human health hazards and shall determine whether or not a human health hazard exists.
- (C) Abatement, Correction and Enforcement. Abatement, correction, and enforcement of a human health hazard will be according to the provisions in Section 42.12 of this Ordinance.

42.09 DESIGNATION OF UNFIT DWELLING OR DWELLING UNIT.

- (A) Any dwelling or dwelling unit found to have any of the following defects shall be designated as unfit for human habitation:
 - (1) One which is so decayed, dilapidated, unsanitary, unsafe, infested and/or structurally damaged that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (2) One in which water, sewer, heating, electrical or septic system facilities fail to adequately protect the health or safety of the occupants or of the public.
 - (3) One in which doors and/or windows fail to exclude rain, snow, low temperatures and wind (inclement weather) or one in which windows/screens fail to prevent an infestation of flies and/or other disease-carrying insects and fail to allow adequate air circulation.
 - (4) One which is not free of accumulation of solid waste, garbage, animal waste and other debris, which results in an unhealthy and unsanitary condition and presents a potential danger to public health.
 - (5) One which is not maintained in a manner so as to prevent excess damage, decay, dilapidation and vermin infestation which could result in a serious hazard to the health and safety of the occupants and to the public.
 - (6) One which contains significant structural damage to the extent that it is a physical hazard to the occupant or to the public.
- (B) Any dwelling or dwelling unit found to have an immediate health hazard shall be condemned as unfit for human habitation and shall be so designated as a health hazard and shall be placarded by the Local Health Officer.
- (C) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Health Officer shall be vacated within a reasonable

time as specified by the Health Officer. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured by the Health Officer upon re-inspecting the dwelling or dwelling unit. The Health Officer at this time shall remove such placard whenever the hazardous condition or situation upon which the condemnation and placarding were based has been eliminated.

42.10 PEST INFESTATION AND EXTERMINATION.

- (A) All dwelling units shall be kept free from insect, rodent, and other pest infestation, including bedbugs. Whenever insect, rodents, or other pests are found, they shall be promptly exterminated or removed by the owner by an approved process that will not be injurious to human health. After extermination or removal, proper precautions shall be taken by the owner to prevent reinfestation.

42.11 BEACHES AND OTHER OUTDOOR WATER RECREATIONAL AREAS.

The Health Officer shall close or restrict swimming, diving, and recreational bathing if a human health hazard exists in any area used for those purposes on a body of water and on associated land. The area shall be posted with the following language: "Closed for Recreational Activities by Order of the St. Croix County Public Health Department."

42.12 ENFORCEMENT.

- (A) Written Order. When the existence of a human health hazard or pest infestation is found, the Health Officer may issue the violator a written order. Any written order issued shall be served in the manner for service of a summons set forth in Wis. Stat. Ch. 801, or sent by certified mail with return receipt requested. This order shall specify the following:
 - (1) Identify real estate or premises involved.
 - (2) The nature of the violation and the steps needed to abate and/or correct it.
 - (3) The time period in which the violation must be corrected and/or abated, (Usually 1 to 5 days or 10 to 30 days depending on the nature of the violation).
 - (4) The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period; see subsection (C) and (D) below.
- (B) Exceptions to Written Order. In extreme cases where a violation poses an immediate health hazard as determined by the Health Officer or in the case of repeated occurrences of the same violation by the same person, the actions(s) specified in subsection (C) below can be initiated immediately.

- (C) Non-Compliance with Order. If a person does not comply with a written order from the Health Officer, the person may be subject to one or more of the following actions and/or penalties:
- (1) The issuance of a citation pursuant to Chapter 1 of the St. Croix County Code of Ordinances and Wis. Stat. § 66.0113.
 - (2) Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the damage created by the violation.
 - (3) Commencement of legal action against the person seeking a court-imposed forfeiture and/or imprisonment.
 - (4) Any other action authorized by this Ordinance or by other applicable laws as deemed necessary by the Health Officer.
 - (5) The initiation of one action or penalty under this Section does not exempt the apparent violator from additional actions and/or penalties listed in this Section.
- (D) Abatement or Removal of Health Hazards. Where human health hazards as defined in this ordinance and/or the Wisconsin Statutes are encountered which may require ordered abatement and/or correction, the Health Officer shall serve upon the responsible person a written order as per Section 42.12(A). A copy of this order shall be forwarded to the local governing body. If the health hazard is not abated and/or corrected within the time period specified in the order, the local governing body shall enter upon the property and abate and/or correct the health hazard or cause it to be abated and/or corrected. If the local governing body fails to abate and/or correct the health hazard or cause it to be abated or corrected, St. Croix County may enter the property and do the same. The cost of such abatement and/or correction is to be recovered by the local governing body, and if not the local governing body, St. Croix County, either directly from the responsible person or as a special tax assessment on the property as per Wis. Stat. § 66.0703.
- (E) Penalties. Anyone violating a provision of this Ordinance or maintaining a human health hazard or pest infestation shall be subject to a forfeiture as set forth in Chapter 1 of the St. Croix County Code of Ordinances. In the case of a court-imposed forfeitures, a separate offense shall be deemed committed each day upon which a violation occurs or continues to occur.
- (F) Initiation of Legal Action. Legal action shall be initiated against a violator, as requested by the Health Officer, in accordance with the following:
- (1) The Corporation Counsel Office shall be responsible for all cases where an injunction to correct and/or abate a violation is being sought.

- (2) The Corporation Counsel Office shall be responsible for all cases where a court-imposed forfeiture and/or penalty is being sought.

42.13 SEVERABILITY.

If any provision of this ordinance is held to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provision or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

42.14 AMENDMENTS.

Any future amendments, revisions, or modifications of Wisconsin Statute Chapters 251 and 254, or any other statutes or administrative code sections referred to in this ordinance are intended to be made part of this ordinance as such amendments, revisions, or modifications are made to said statutes or administrative codes.

42.15 EFFECTIVE DATE.

This Ordinance shall be effective the day after its publication.

Ordinance No. 109 (85) – March, 1985

Repealed and Recreated: Ordinance No. 853 (2017) – May, 2017